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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,166	10/16/2001	Kent D. Vincent	10005747-1	5610

7590 09/09/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/981,166	Applicant(s) VINCENT ET AL.	
	Examiner Sheeba Ahmed	Art Unit 1773	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55, 57, 62 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17-21, 23-25, 34, 36-43, 45, 49-52, 62 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimers filed on June 17, 2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent 6,731,532 and 6,809,956 have been reviewed and are accepted. The terminal disclaimers have been recorded.

The rejection of claims 50-55 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 16-20 of U.S. Patent No. 6,809,956 B2 and the rejection of claims 1-49, 62, and 64-67 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 and 35-39 of U.S. Patent No. 6,731,532 B2 have been withdrawn.

### *Response to Amendment*

2. Amendments to claims 2, 3, 11, 12, and 14 have been entered in the above-identified application. Claims 56, 63, and 68-70 have been cancelled. **Claims 1-55, 57-62, and 64-67 are now under consideration.**

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheridan (EP 0427 507 A2).

Sheridan discloses an addressable display system including a paper sheet comprising a light transparent host layer loaded with a plurality of repositionable elements, the elements being movable from a first orientation in which they present a first visual appearance, to a second orientation in which they present a second visual appearance, and the independent external addressing means which affects the orientation of the repositionable elements (Abstract). The spherical balls have at least two dissimilar surfaces of contrasting colors and differential surface charges (Page 3, lines 9-14). All limitations of claims 1, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 are disclosed in the above reference.

4. Claims 1-4, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheridan (US 5,389,945).

Sheridan discloses an addressable display system including a paper sheet comprising a light transparent host layer loaded with a plurality of repositionable elements, the elements being movable from a first orientation in which they present a first visual appearance, to a second orientation in which they present a second visual appearance, and the independent external addressing means which affects the orientation of the repositionable elements (Abstract). Upon application of an electric field of a given polarity and of a potential higher than a threshold value, the balls line up so

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that their black sides all face in one direction. When viewed from that direction, the display sheet will appear to be black. Conversely, the polarity of the electric field will cause the balls to rotate 180° so that their white sides face in the viewing direction and the display will appear white (Column 4, lines 14-22). All limitations of claims 1-4, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 are disclosed in the above reference.

### ***Response to Arguments***

5. Applicant's arguments filed on June 17, 2005 have been fully considered but they are not persuasive. Applicants traverse the rejection of claims 1, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 under 35 U.S.C. 102(b) as being anticipated by Sheridan (EP 0427 507 A2) and the rejection of claims 1-4, 17-19, 20, 21, 23-25, 34, 36-43, 45, 49-52, 62, and 64 under 35 U.S.C. 102(b) as being anticipated by Sheridan (US 5,389,945) and argue that both references are directed to microsphere technology whereas the claims of the instant application are directed to "molecular" level elements and not microspheres. First, the Examiner would like to thank the Applicants for the very detailed Color Switch Comparison Chart provided. Second, the Examiner would like to point out that the claim limitations as discussed in the Detailed Description do not provide a definition or a description of what is meant by a "molecular color stratum" and hence the Examiner has interpreted such a phrase in its broadest possible meaning. In other words, the claimed invention as recited is not limited to a molecule or molecules designed to change in structural conformation when an electric field is applied. Hence, the above rejections are maintained.

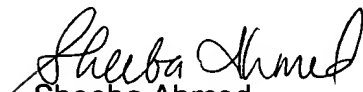
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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Mondays and Thursdays from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheeba Ahmed  
Art Unit 1773  
August 31, 2005